

IN RE: PETITION FOR RESIDENTIAL ZONING VARIANCE  
W/S Westside Blvd., 200 ft. S of c/l of Delta Road  
414 Westview Boulevard  
1st Election District  
1st Councilmanic District  
Michael R. Restivo, et ux  
Petitioners

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 92-84-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (above ground pool) in the side yard in lieu of the required rear yard, as more particularly described on Petitioners' Exhibit No. 1.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 407.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 11th day of OCTOBER, 1991 that the Petition for a Zoning Variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (above ground pool) in the side yard in lieu of the required rear yard, in accordance with Petitioners' Exhibit No. 1, is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:mmn

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

October 10, 1991

Mr. and Mrs. Michael R. Restivo  
414 Westside Boulevard  
Baltimore, Maryland 21228

RE: Petition for Residential Zoning Variance  
Case No. 92-84-A

Dear Mr. and Mrs. Restivo:

Enclosed please find the decision rendered in the above captioned case. The Petition for Residential Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT  
Zoning Commissioner

LES:mmn  
encl.  
cc: Peoples Counsel

PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section 400.1 to permit an accessory structure (above ground pool) in the side yard in lieu of the required rear yard.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons (Indicate hardship or practical difficulty):  
THE REASON FOR THE VARIANCE REQUEST IS THAT IF WE PLACE THE POOL STRICTLY IN THE BACKYARD, IT WOULD REQUIRE US TO UPROOT OR DESTROY A SUBSTANTIAL AMOUNT OF TREES, SHRUBBERY, AND OTHER LANDSCAPE DESIGN WORK WHICH ADDS SIGNIFICANT VALUE TO THE PROPERTY.

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/we do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser(s)

(Type or Print Name)

Signature

Address

City/State/Zip Code

Attorney for Petitioner(s)

(Type or Print Name)

Signature

Address

Attorney's telephone number

Legal Owner(s)

(Type or Print Name)

Signature

Address

City/State/Zip Code

Address

City/State/Zip Code

Name, address and phone number of legal owner, contract purchaser or representative to be contacted.

Name

Address

ORDERED by the Zoning Commissioner of Baltimore County, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, that the subject matter of this petition be posted on the property on or before the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

ZONING COMMISSIONER OF BALTIMORE COUNTY

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED, IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County.

REVIEWED BY: DE/mrk DATE: 9/1/91  
cc: post 9/1/91

ZONING COMMISSIONER OF BALTIMORE COUNTY  
Date \_\_\_\_\_  
By \_\_\_\_\_

AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at \_\_\_\_\_  
(Address)

That based upon personal knowledge, the following are the facts upon which I/we base the request for a Residential Zoning Variance at the above address: (Indicate hardship or practical difficulty)

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DESCRIPTION OF THE PROPERTY ( 414 WESTSIDE BOULEVARD)

BEGINNING AT A POINT ON THE WEST SIDE OF WESTSIDE BOULEVARD WHICH IS 43 FEET WIDE AT THE DISTANCE OF 146 FEET NORTH OF THE CENTERLINE OF THE NEAREST IMPROVED INTERSECTING STREET ROCKWAY ROAD WHICH IS 41 FEET WIDE. BEING LOT #19, BLOCK B, SECTION #1 IN THE SUBDIVISION ROCKWOOD AS RECORDED IN BALTIMORE COUNTY PLAT BOOK #48, FOLIO #94, CONTAINING 6,733 SQUARE FEET AND .154 ACRES. ALSO KNOWN AS 414 WESTSIDE BOULEVARD AND LOCATED IN THE FIRST ELECTION DISTRICT.

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: \_\_\_\_\_ Date of Posting: \_\_\_\_\_  
Posted for: \_\_\_\_\_  
Petitioner: \_\_\_\_\_  
Location of property: \_\_\_\_\_  
Location of Sign: \_\_\_\_\_  
Remarks: \_\_\_\_\_  
Posted by: \_\_\_\_\_ Date of return: \_\_\_\_\_  
Number of Signs: \_\_\_\_\_

Baltimore County  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

receipt

Date \_\_\_\_\_ Account: R-0016150  
Number \_\_\_\_\_  
Please Make Check Payable To: Baltimore County \$30.00  
BA 000415FHD9-21-91  
Cashier Validation \_\_\_\_\_

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

September 20, 1991

Mr. and Mrs. Michael R. Restivo  
414 Westside Blvd.  
Baltimore, Maryland 21228

RE: Case No. 92-84-A  
Petition for Residential Variance  
Property: 414 Westside Blvd.

Dear Mr. and Mrs. Restivo:

This office has received your Petition for Residential Variance for the above referenced property. Your Petition requests a variance from Section 400.1 of the Baltimore County Zoning Regulations to permit an accessory structure (above ground pool) in the side yard in lieu of the required rear yard.

In order for your Petition to be considered, it must be in full compliance with the Baltimore County Zoning Regulations and the Zoning Policy. A review of your Petition discloses that it does not so comply as required. The specific failure of the Petition is identified as follows:

1. All three Petitions are not signed by the legal owners of the property. The signature of Valeria C. Restivo does not appear on all three Petitions, as required.

In order for your Petition to be evaluated, the above noted correction must be made. Please contact Mitchell J. Kellman at 887-3391 to arrange for the correction of the Petition. Upon correction, your Petition will be resubmitted for consideration.

Very truly yours,

LAWRENCE E. SCHMIDT  
Zoning Commissioner

LES:mmn

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: September 13, 1991  
Zoning Administration and  
Development Management

FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning

SUBJECT: HELBING Property, Item No. 53  
Smith Property, Item No. 64  
McClure Property, Item No. 65  
Boehnlein Property, Item No. 66  
Marx Property, Item No. 68  
Buis Property, Item No. 69  
Pulaski Property, Item No. 70  
Wellschlagel Property, Item No. 72  
Bray Property, Item No. 74  
Graves Property, Item No. 75  
Sylvia Property, Item No. 76  
Long Property, Item No. 78  
Pearl Property, Item No. 79  
Casey Property, Item No. 80  
Edwards Property, Item No. 81  
Tyson Property, Item No. 85  
Skidmore Property, Item No. 88  
Williams Property, Item No. 89  
Restivo Property, Item No. 90  
Didier Property, Item No. 97  
Wesolowski Property, Item No. 102  
Griffin Property, Item No. 103  
Burgwin Property, Item No. 104  
Ghent Property, Item No. 110  
Lingg Property, Item No. 111  
Bates Property, Item No. 112  
Bond Property, Item No. 115

In reference to the Petitioner's request, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/rdn

ITEM47/TXTROZ

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

August 27, 1991

Michael R. Restivo  
414 Westside Blvd.  
Baltimore, Md. 21228

RE: CASE NUMBER: 92-84-A  
LOCATION: 414 Westview Blvd.

Dear Petitioner(s):

Please be advised that your Petition for Residential Zoning Variance has been assigned the above case number. Any contact made to this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before August 30, 1991. The last date (closing date) on which a neighbor may file a formal request for hearing is September 16, 1991. Should such request be filed, you will receive notification that the matter will not be handled through the administrative process. This will mean advertising of the public hearing and reposting of the property. The public hearing will be scheduled approximately 30 - 45 days from receipt of said notice. In either case, (a) receipt of notification that you will have a public hearing or, (b) the passing of the closing date, the sign and post can then be removed from the property and returned to this office. Failure to return the sign and post will cause your Order to be held and incur a \$50.00 charge. Please be advised that the Order will not be available for you to pick-up the day you return the sign.

2) Assuming no neighbor has requested a public hearing, the file now enters the final review stage of the administrative process. The Zoning Commissioner must now decide whether to grant or deny the request. He also has the option to request a public hearing.

3) PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Very truly yours,

*Deborah Thomas*  
Deborah G. Stephens  
Docket Clerk

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Honorable Roger B. Hayden  
County Executive, MS 2M01

August 27, 1991

FROM: J. Robert Haines  
Zoning Commissioner, MS 1108

SUBJECT: Administrative Residential Variances

THE FOLLOWING HAVE FILED FOR A ZONING VARIANCE THROUGH THE ADMINISTRATIVE PROCESS (PURSUANT TO COUNTY COUNCIL BILL 18-90). A HEARING WILL BE SCHEDULED ONLY IF (1) A REQUEST FOR HEARING IS FILED WITH THIS OFFICE ON OR BEFORE THE CLOSING DATE, OR (2) AT THE DISCRETION OF THE ZONING COMMISSIONER.

CLOSING DATE: September 16, 1991

Petition for Residential Variance  
Item #90  
Case Number: 92-84-A  
W/S Westside Blvd., 200' S of centerline  
Delta Road (#414 Westview Boulevard)  
Petitioner(s) Name: Michael R. Restivo  
Residential Variance to permit an accessory structure (above ground pool) in the side yard in lieu of the required rear yard.  
1st Election District, 1st Councilmanic District

CLOSING DATE: September 23, 1991

Petition for Residential Variance  
Item #54  
Case Number: 92-78-A  
W/S Constantine Drive, 310' N of  
Jarrettville Pike (#6 Constantine Drive)  
Petitioner(s) Name: Jonathan R. Harlow, et ux  
Residential Variance to permit an attached open projection (deck) to be located 30' from a lot line in lieu of the required 50'.  
11th Election District, 5th Councilmanic District

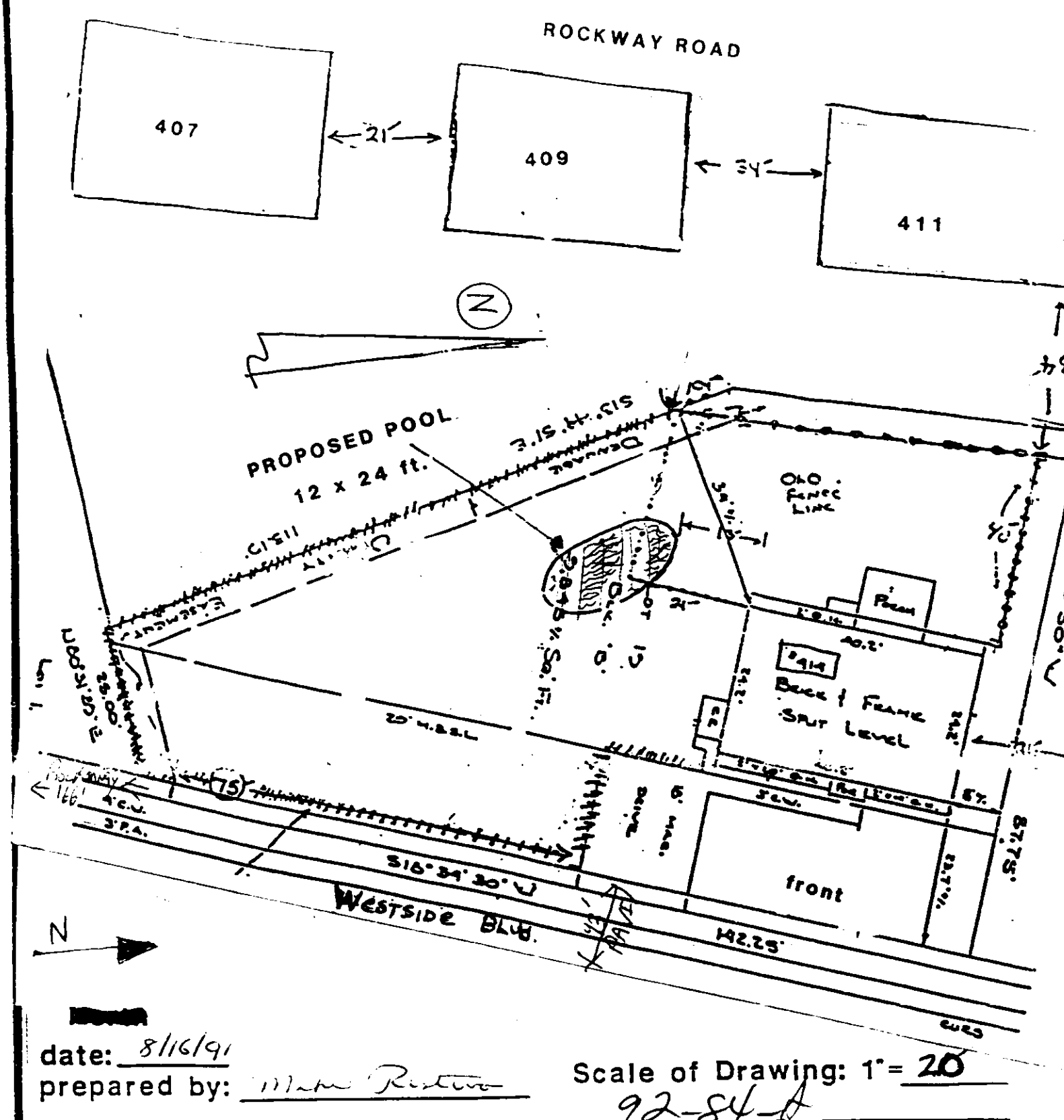
Plat to accompany Petition for Zoning

☒ Variance ☐ Special Hearing

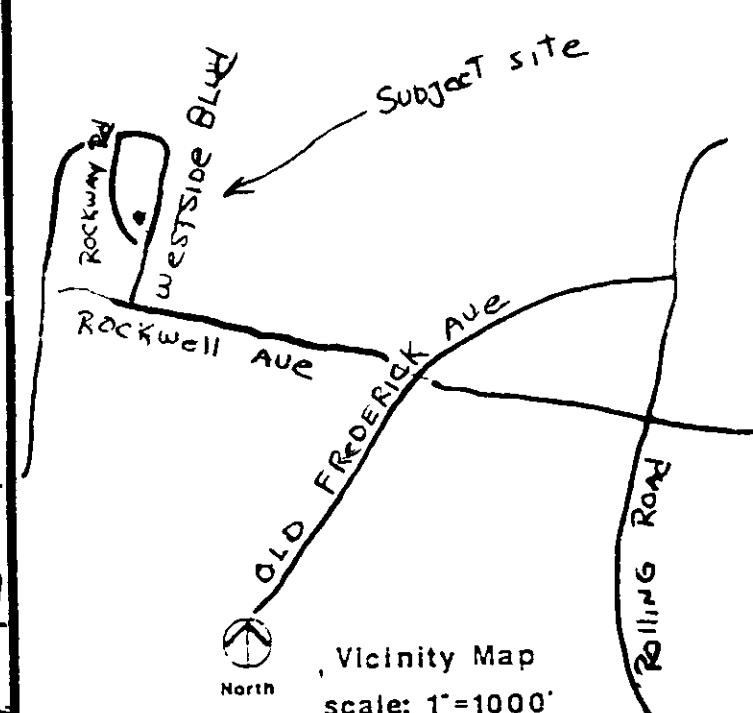
PROPERTY ADDRESS: 414 Westside Blvd BALTO, MD 21228

Subdivision name: ROCKWOOD  
plat book# 48, folio# 94, lot# 19, section# 1

OWNER: MR MICHAEL + VALERIA RESTIVO



Proposed Fence  
Existing Fence



LOCATION INFORMATION

Councilmanic District: 1  
Election District: 1  
1"=200' scale map #: SW 2H  
Zoning: DR 5.5  
Lot size: .154 acreage 6,732 square feet

SEWER: ☒ public ☐ private  
WATER: ☒ ☐  
Chesapeake Bay Critical Area: ☐ yes ☒ no  
Prior Zoning Hearings: none

Zoning Office USE ONLY!

reviewed by: ITEM #: CASE#:

DAG 90



SOUTHEAST PROPERTY LINE

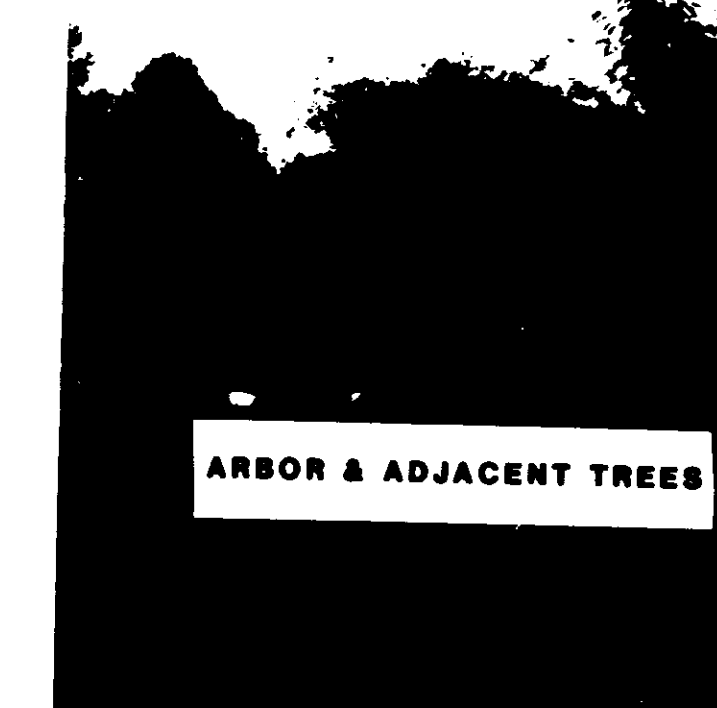


# 90  
92-84-A

PROPOSED POOL SITE



ARBOR & ADJACENT TREES



16 ft. high trees



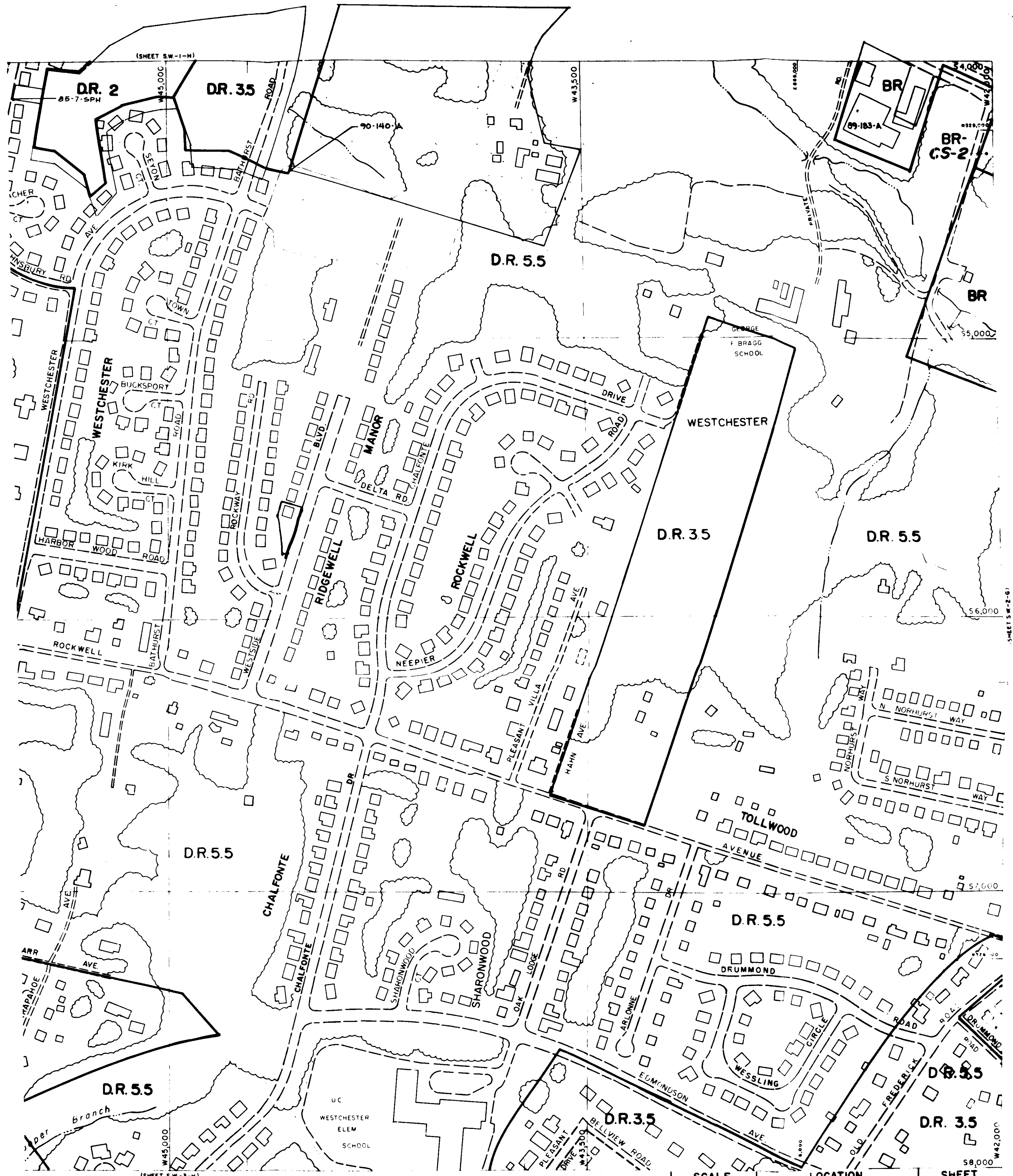
LANDSCAPING WORK

# 90  
92-84-A



# COUNTY ING AND ZONING PHIC MAP

|  |                         |                      |
|--|-------------------------|----------------------|
| SCALE<br>1" = 200' ±                         | LOCATION<br>WESTCHESTER | SHEET<br>S.W.<br>2-H |
| DATE<br>OF<br>PHOTOGRAPHY<br>JANUARY<br>1986 | #90                     |                      |



## ALTIMORE COUNTY OF PLANNING AND ZONING CIAL ZONING MAP

|  |                         |                      |
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| SCALE<br>1" = 200' ±                         | LOCATION<br>WESTCHESTER | SHEET<br>S.W.<br>2-H |
| DATE<br>OF<br>PHOTOGRAPHY<br>JANUARY<br>1986 |                         |                      |

#90